



*10/12/03*  
*6/ RESPONSE*

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of	)	
Martin Loeser	)	Examiner: C. Buchanan
for PAYMENT SYSTEM BY MEANS OF	)	Art Unit: 3627
A MOBILE DEVICE	)	
Serial No: 10/058,551	)	
Filed On: January 28, 2002	)	(Our Docket No.: 6400-30)

Hartford, Connecticut, October 9, 2003

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**RESPONSE TO OFFICE ACTION**

S I R:

In response to the Office Action mailed on April 9, 2003, Applicant respectfully requests reconsideration of the claim rejections based on the following remarks.

Claims 1-10 are pending in the above-identified patent application, and therefore remain for consideration.

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Smith et al. (U.S. Pat. No. 6,487,540). The rejection is traversed and reconsideration is respectfully requested.

Smith et al. describes a method for carrying out payment processes, in which a cash register transmits a payment demand wirelessly via a first link to a customer's mobile device. The customer generates a payment instruction and transmits it via a second link to a payment center. However, Smith et al. does not teach or suggest that the payment center checks the payment instruction and sends a payment confirmation to the cash register directly via a third link, as recited in claim 1 of the present application. Claim 1 further recites that the cash register checks the payment confirmation and if the result is positive, indicates this and releases goods to be paid for. This third link is also recited in independent claim 9 as an output device of the checking facility, and in independent claim 10 as a function of the checking device.

Smith et al., on the other hand, describes at Col. 7, lines 41-47 that "[t]he customer bank lender would use the authorization code to locate the correct vendor account and it would transmit funds from the owner of the wireless purchasing device over into the account of the vendor. Once the funds have been transferred, a transfer verification would be forwarded back to the authorization processor back to wireless purchasing device 2 and forwarded to wireless vending device 61." This is illustrated in FIG. 3 of Smith et al. as two-sided arrows linking the wireless purchasing device to the wireless vending devices.

In other words, Smith et al. does not teach or suggest a direct connection between the payment center and the cash register. With reference to the system of Smith et al., it is always necessary to use the wireless purchasing device to contact the cash register because Smith et al. does not employ a third link between the payment center and the cash register. Consequently, the system of


Smith et al. requires that the mobile device be online during the whole authorization process, whereas with respect to the claimed invention of the present application, the customer can switch off his or her device after sending a message to the payment center.

It therefore cannot be maintained that Smith et al. includes any teaching or suggestion that would motivate a person skilled in the pertinent art to redesign the system of Smith et al. to incorporate a third link so as to render independent claims 1, 9 and 10 obvious. Because claims 2-8 each depend from and thereby incorporate the limitations of claim 1, these dependent claims are likewise deemed not obvious over Smith et al. for at least the reasons set forth for claim 1.

In view of the foregoing, it is respectfully submitted that claims 1-10 are allowable. All issues raised by the Examiner having been addressed herein, an early action to that effect is earnestly solicited.

Applicant includes herewith a Petition for Extension of Time for filing this Response. A check in the amount of \$950.00 is enclosed to cover the extension fee. No additional fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

By   
Daniel G. Mackas  
Registration No. 38,541  
Attorney for Applicant

McCormick, Paulding & Huber LLP  
CityPlace II  
185 Asylum Street  
Hartford, Connecticut 06103-3402  
(860) 549-5290